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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
10

11 National Association of African-
American Owned Media, a California
12 limited liability company; and
Entertainment Studios Networks, Inc., a
13 California corporation,

14 Plaintiffs,

15 v.

16 Comcast Corporation, a Pennsylvania
corporation; Time Warner Cable Inc., a
17 Delaware corporation; National
Association for the Advancement of
18 Colored People, a New York
corporation; National Urban League,
19 Inc., a New York corporation; Al
Sharpton, an individual; National
20 Action Network, Inc., a New York
corporation; Meredith Attwell Baker, an
21 individual; and DOES 1 through 10,
inclusive,,
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23 Defendants.
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CASE NO. 2:15-cv-01239-TJH-MAN

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANT TIME WARNER
CABLE INC.'S MOTION TO
DISMISS COMPLAINT
PURSUANT TO RULE 12(B)(6)**

[Opposition to Time Warner Cable
Inc.'s Motion to Dismiss Pursuant to
Rule 12(b)(6) and Declaration of Mark
DeVitre filed concurrently herewith]

Judge: Hon. Terry J. Hatter, Jr.
Date: June 8, 2015
Time: UNDER SUBMISSION
Crtrm.: 17

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REQUEST FOR JUDICIAL NOTICE

PLEASE TAKE NOTICE that pursuant to Federal Rule of Evidence 201, Plaintiffs National Association of African American–Owned Media and Entertainment Studios Networks, Inc. (collectively “Plaintiffs”) hereby submit this Request for Judicial Notice in support of their Opposition to Defendant Time Warner Cable Inc.’s Motion to Dismiss Complaint Pursuant to Rule 12(b)(6). Plaintiffs respectfully request that the Court take judicial notice of the following documents:

1. Statement from FCC Chairman Tom Wheeler on the Comcast-TWC Merger (April 24, 2015), *available at* <https://www.fcc.gov/document/chairmans-statement-comcast-twc-merger> (“Wheeler Statement”). A true and correct copy of the Wheeler Statement is attached hereto as **Exhibit A**.

2. Memorandum of Understanding between Comcast Corporation, NBC Universal and The African American Leadership Organizations (filed December 17, 2010), *available at* <http://fjallfoss.fcc.gov/ecfs/document/view?id=7020924347> (“MOU”). A true and correct copy of the MOU is attached hereto as **Exhibit B**.

3. Second Amended Modified Joint Protective Order (November 12, 2014), *available at* <https://www.fcc.gov/document/comcast-twc-2nd-amended-modified-joint-protective-order> (“FCC Protective Order”). A true and correct copy of the FCC Protective Order is attached hereto as **Exhibit C**.

These documents are proper subjects for judicial notice. All are public records that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2); *see also Meyer v. Portfolio Recovery Assocs., LLC*, 2011 WL 11712610, at *8 n.18 (S.D. Cal. Sept. 14, 2011) (“[C]ourts regularly take judicial notice of . . . documents that are administered by or publicly filed with [an] administrative agency.”); *Moore v. Verizon Commc’ns, Inc.*, 2010 WL 3619877, at *3 (N.D. Cal. Sept. 10, 2010) (taking judicial notice of FCC opinion and order); *Lyons v. Coxcom, Inc.*, 718 F.

1 Supp. 2d 1232, 1237 (S.D. Cal. 2009) (same).
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3 DATED: May 8, 2015

MILLER BARONDESS, LLP

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5 By: /s/ Louis R. Miller

6 LOUIS R. MILLER

7 Attorneys for Plaintiffs
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